(2323) R

P790034-0011

March 9, 1979

Dear Senator Chiles:

Thank you for your letter of January 16 requesting additional information for your constituent, Alexander D. Hall, Jr., about the Government's role in the Jonestown tragedy.

Your constituent has asked for the specific statutory authority under which public funds were expended to return the deceased members of the People's Temple from Guyana. In answering this question it may be useful to recapitulate the events and the decisions that were made.

Initially, November 20-21, the Department of State and the U.S. Embassy at Georgetown had agreed upon local burial of the identified remains in Jonestown as the feasible solution to the existence of such a large number of untended bodies. Accordingly, the Embassy advised the Government of Guyana of the U.S. Government's request, in compliance with local law, that interment should begin at once. However, on November 22 the Government of Guyana officially requested the United States to remove the bodies of American citizens at Jonestown and return them to the United States. Apparently, a basic consideration was the Government's fear that the possible flood of next-of-kin wishing to visit the Jonestown burial site and asking for disinterment of bodies of relatives would overtax the Government's transportation and administrative facilities in that part of Guyana. Both our Government and the Government of Guyana were also concerned that facilities were unavailable in Jonestown to identify the dead before burial.

DEPARTMENT OF STATE A/CDC/MR
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The Honorable
Lawton Chiles,
State Office,
Federal Building,
Lakeland, Florida.

As was explained in my previous letter of December 20, 1978 because this was a unique situation almost without parallel there was no specific statutory authority that covered these costs. The President and his delegated representatives naturally have general authority to commit U.S. Government agencies when it is perceived to be in the national interest. The basic question that was faced by the interagency group was to determine the source for the fund.

Toward the end of November the Office of Management and Budget, together with the Departments of State and Defense, the Agency for International Development, and the other agencies involved, began reviewing all the financial aspects of the entire Guyana tragedy, both as to costs and sources of funds.

They examined a number of different sources of funds with which to reimburse the Department of Defense for those costs. They considered, among others, a 1979 supplemental appropriation request, but considered it inappropriate if already appropriated funds could be made available. They determined that, since the Jonestown catastrophe was totally unexpected and since the major actions of the U.S. Government were at the request of the Government of Guyana and were to assist that Government in circumstances beyond its capacities to cope, the most appropriate available funds are the unobligated amounts in the Contingency Fund authorized by the Foreign Assistance Act and, to the degree that they prove insufficient, funds to be reprogrammed from the Economic Support Fund.

They concluded that many of the costs should be considered as part of the normal operations of the agencies. For example, the ordinary salaries and expenses of the Embassy officials in Guyana would have been obligated whether or not the tragic events had occurred. Similarly, the Justice Department's investigative costs are simply part of its normal responsibilities to investigate the possible

violation of Federal laws. The major unusual costs are those of the Defense Department relative to the assistance provided to the Government of Guyana in connection with searching for possible survivors of the tragedy around Jonestown and in complying with the request to remove the dead. They now expect total Defense Department costs to be approximately $4.2 million. Accordingly, the Department of Justice has filed suit in the U.S. District Court in San Francisco against the Peoples Temple for this amount.

Again, it is now too early to know whether the legal approaches by the Justice Department regarding the assets of the Peoples Temple organization will result in recoupment of the U.S. Government's expenses. The Department is pursuing every available approach.

I hope this letter provides you with the information on this subject which you desire. If you have any further questions, you may wish to contact Mr. Richard McCoy, Officer-in-Charge of Guyanese Affairs at 632-3449.

Sincerely,

Douglas J. Bennet, Jr.
Assistant Secretary for
Congressional Relations

Enclosure:

Correspondence returned.

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Clearances: ARA:BGrove
ARA/PPC:POakley
H:ETaylor